UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,471	08/27/2003	Debra Lyn Orton	4386-7004US1	4718

27123 7590 02/18/2005		EXAMINER
MORGAN & FINNEGAN, L.L.P.		CHAVIS, JOHN Q
3 WORLD FINANCIAL CENTER	ART UNIT	PAPER NUMBER
NEW YORK, NY 10281-2101	2124	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/648,471	ORTON ET AL.
	Examiner	Art Unit	
	John Chavis	2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>8/27/2003</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-9</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-9</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
      Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
      Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-3, 6 and 9 are rejected under 35 U.S.C. 102(b) as anticipated by Orton

et al. (5,379,432).

<u>What is claimed is:</u>	<u>Orton ('432)</u>
1. A computer implemented method of enabling an object-oriented application to access in an object-oriented (OO) manner a Procedural operating system (OS)having a native procedural interface during run-time execution of the application (Appl.) in a computer having a memory component, the method com-prising the steps of:	The only differences in the claims is the semantics. For example, the present claims indicate that OO Appls. access a procedural OS having a native interface; while, 432 indicates that OO Appls. interface procedural OS's. The overall functionality is considered the same and therefore covering the same invention as claim 1.
(a) locating in the application an object-oriented statement which accesses·a service provided by the operating system;	See item (a) of claim 1.
(b) translating the object-oriented statement to a procedural function call compatible with the native procedural interface or the operating system and correspond-ing to the object-oriented	See item (b) of claim 1. Here again the only difference is considered that the applicant translates compatible with the native procedural interface; while, in '432 the translation is compatible with statement; and procedural functions. However, note in the preamble that the method of '432 enables an OO Appl. to "interface" to a

procedural OS. Therefore, again the functionality is considered the same.

c) executing in the computer the procedural function call to thereby cause the operating system to provide the service on behalf of the application.

See item (c) of claim 1.

2. The method of claim 1 in which an object-oriented class library includes related object-oriented classes having class methods for accessing services provided by the operating system using procedural function calls compatible with the native procedural interface of the operating system, wherein the object-oriented statement located in the application is defined by the class library,

See claims 2-4 of '432.

further comprising the step of storing in the memory component a code library comprising computer program logic implementing the object-oriented class library.

3. The method of claim 2, wherein step (b) comprises the steps of identifying one or more methods in the class library corresponding to the object-oriented statement, and copying the identified methods to a portion of virtual memory in the computer previously allocated to the application, and wherein step (c) comprises the step of executing the identified methods.

See claims 3-4 of '432.

The features of claim 6 are taught via claim 4 of '432; while, claim 9 is taught via claim 1 of '432.

3.   Claims 4-5, and 7-8 are rejected under 35 USC 102(b) as anticipated by Orton et

al. (5,475,845).

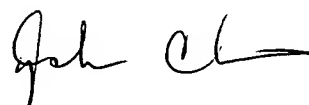| Claims	Orton ('845)
4. An apparatus for enabling an object-oriented application to access in an object-oriented manner a procedural operating system having a native procedural interface, the apparatus comprising:	See claim 1 of '845.
(a) a computer;	See item (a) of claim 1.
(b) a memory component in the computer;	See item (b) of claim 1.
(c) a code library, stored in the memory component, comprising computer program logic implementing an object-oriented class library,	See item (c) of claim 1.
the object-oriented class library comprising related object-oriented classes for enabling the application to access in an object-oriented manner services provided by the operating system,	These features are considered inherent parts of object-oriented systems that distinguish them from procedural systems. Therefore, the features are considered in '845.
the object-oriented classes comprising methods for accessing the operating system services using procedural function calls compatible with the native procedural interface of the operating system; and	" " " "
(d) means, in the computer, for processing object-oriented statements contained in the application and defined by the class library by executing methods from the class library corresponding to the object-oriented statements.	See item (d) of claim 1.
5. The apparatus of claim 4, wherein	See claim 2 of '845.

the means for processing the object-
oriented statements operates in the
computer during run-time execution
of the application.

As per claims 7-8, see the rejection of claim 4 above. In reference to the
preamble of claim 8, see item (d) of '845 claim 1 (c1). Item (b) of claim 8 is taught via
item (b) of '845 (c1). The features of claim 8 (b) are taught via items (c) and (d) of '845
(c1). While, the features of item (c) are taught via claim 2 of '845.

4.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Chavis whose telephone number is (703) 571-

3720. The examiner can normally be reached on M-Tue & Th-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (703) 571-3719. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

John Chavis
Primary Examiner AU-2124